

Message Text

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ACTION OES-07

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USIA-15 EUR-12 /166 W

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FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 4653

INFO DIRECTOR NMFS WASHDC

COMDT COGARD WASHDC

CCGDSEVENTEEN JUNEAU AK

CCGDFOURTEEN HONOLULU HI

COMPACAREA COGARD SAN FRANCISCO CA

COMLANTAREA COGARD NEW YORK NY

REGIONAL DIRECTOR NMFS JUNEAU AK

REGIONAL DIRECTOR NMFS SEATTLE WA

REGIONAL DIRECTOR NMFS GLOUCESTER MA

UNCLAS SECTION 1 OF 2 TOKYO 1279

C O R R E C T E D C O P Y (TEXT PARA "D")

E.O. 11652:N/A

TAGS: EFIS, JA

SUBJECT: DISCUSSIONS CONCERNING 1978 FOREIGN FISHING REGULATIONS

REF: (A) 43 FED REG 60682-99 OF 28 NV 77 (B) STATE 016583

1. SUMMARY. IN REPONSE TO GOJ REQUEST, MEMBERS OF USDEL TO INPFC NEGOTIATONS MET WITH JFA AND JAPANFISHERIES INDUSTRY REPRESETNATIVES ON 23-24 JAN 7(FOR INFORMAL REVIEW OF U.S. FFV REGULATIONS FOR 1978. USG REPRESENTED BY MSSRS. R.C. NAAB AND TAK MIYAHARA (NMFS) AND CDRS T.E. DEMING AND R.E. GIFFIN (USCG).

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DIRECTOR NORIO OTSURU AND MR. MITSUYUKI NAKAMORI, JFA FAR SEAS FISHERIES DIVISION, WERE PRINCIPAL SPOKESMEN FOR JAPAN.

DISCUSSIONS CHARACTERIZED AS AMICABLE, CONSTRUCTIVE AND VERY DETAILED THROUGHOUT REVIEW OF FFV REGS (REFS A AND B), INDICATIVE OF GOJ DESIRE TO MINIMIZE DIFFICULTIES FOR AND BY JAPANESE FISHERMEN OPERATING WITHIN U.S. FCZ. ALTHOUGH DISCUSSION CONCENTRATED ON PART A (GENERAL) AND PART G (NPO AND BERING SEA)

OF FFV REGS, SEVERAL POINTS RAISED COULD APPLY TO OTHER PARTS AND FISHERY AREAS AS WELL. THAT WHICH FOLLOWS IS ORGANIZED TO REFLECT (A) MATTERS OF GENERAL INTEREST AS DISCUSSED IN MEETING, AND (B) ITEMS REQUIRING INTERAGENCY REVIEW/CONSULTATION AND TIMELY RESPONSE TO JFA. E D SUMMARY.

2. MATTERS OF GENERAL INTEREST TO AGENCIES INVOLVED WITH IMPLEMENTATION OF FISHERY CONSERVATION AND MANAGEMENT ACT:

A. JFA REQUESTED THAT PERMIT FORMS FOR JAPANESE VESSELS ISSUED UNDER 611.3 BE SENT DIRECTLY TO JFA RATHER THAN TO INDIVIDUAL SHIPS OR COMPANIES. THIS PROCEDURE WOULD ALLOW JFA TO CHECK PERMIT FORM FOR ACCURACY AND AFFIX JFA STAMP PRIOR TO ISSUANCE TO FISHING VESSELS. JAPAN SIDE ALSO ASKED TO BE ADVISED PROMPTLY WHEN PERMITS ARE REVISED, CANCELLED, ETC. U.S. SIDE AGREED TO SO ADVISE THE APPROPRIATE USG OFFICIALS.

B. JFA ADVISED THAT NONE OF ITS FISHING VESSELS HAD CERTIFICATES OF INCLUSION FOR TAKING MARINE MAMMALS ALTHOUGH APPLICATIONS FOR SUCH CERTIFICATES HAD BEEN SUBMITTED. JAPAN REPS SAID GOJ HAD RECEIVED INFORMATION FROM NMFS WASHDC THAT THE CERTIFICATES WOULD BE ISSUED BY END OF JAN 78. JAPAN REPS REQUESTED USG FORBEARANCE IN ENFORCING THE MARINE MAMMAL PROTECTION ACT REQUIREMENT FOR CERTIFICATES OF INCLUSION. U.S. SIDE RESPONDED THAT IT WAS UNAWARE OF THE DELAY IN ISSUANCE OF THE CERTIFICATES BUT AGREED WITH JAPAN PROPOSAL TO REFRAIN

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FROM ENFORCING THE SPECIFIED MMPA REQUIREMENT UNTIL CERTIFICATES WERE ISSUED. FURTHER, APPROPRIATE USG OFFICIALS WOULD BE NOTIFIED IN AN EFFORT TO EXPEDITE ISSUANCE OF CERTIFICATES.

C. JAPAN REPS NOTED THAT IN 1977 THEIR TRAWL FISHERY IN GULF OF AK WAS ALMOST TERMINATED BY USG DUE TO PROBLEMS OF ROCK-FISH IDENTIFICATION. INITIALLY IT APPEARED THAT JAPAN HAD EXCEEDED ITS ALLOCATION OF QUOTE OTHER ROCKFISHERS UNQUOTE BUT INVESTIGATION REVEALED THAT U.S. OBSERVERS HAD BEEN CATEGORIZING PACIFIC OCEAN PERCH AS OTHER ROCKFISH. ALTHOUGH THE FISHERY WAS NOT TERMINATED, JAPAN REPS EXPRESSED CONCERN OF ACCURACY OF OBSERVER DATA WITH RESPECT TO SPECIES IDENTIFICATION AND ASKED FOR CLOSE CONSULTATION BETWEEN OBSERVERS AND FISHING MASTERS TO ENSURE THAT FISH ARE PROPERLY IDENTIFIED. U.S. SIDE RESPONDED THAT IT WOULD NOTIFY APPROPRIATE USG OFFICIALS OF THIS REQUEST AND NOTED THAT SPECIAL ROCKFISH IDENTIFICATION MATERIALS WERE BEING PREPARED FOR USE BY OBSERVERS.

D. JAPAN REPS POINTED OUT THAT TUNA CARGOES ARE VERY SUSCEPTIBLE TO DAMAGE DURING HOLD INSPECTION. TUNA MUST BE MAINTAINED AT A VERY LOW AND CONSTANT TEMPERATURE NECESSITATING

MINIMUM OPENING OF FREEZER COMPARTMENTS. THEY ASKED THAT U.S. ENFORCEMENT OFFICIALS NOT INSPECT TUNA HOLDS UNLESS THERE IS REASON TO BELIEVE THAT VIOLATION EXISTS. U.S. INDICATED THERE IS NO INTENT OR DESIRE TO DAMAGE VALUABLE FISH CATCHES AND WOULD NOTIFY ENFORCEMENT OFFICIALS OF JAPAN CONCERNS. IT WAS NOTED, HOWEVER, THAT U.S. ENFORCEMENT PROCEDURES WOULD BE CONSISTENT WITH REQUIREMENTS OF APPLICABLE FISHERY REGULATIONS.

E. JAPAN REPS REQUESTED THAT USG NOTIFY GOJ PROMPTLY WHEN FFV REGULATIONS CHANGE. IN EVENT OF EXTENSIVE CHANGES TO REGULATIONS, THEY ASKED FOR DIRECT DISCUSSIONS AS IN PRESENT INSTANCE. U.S. SIDE ADVISED THAT AN ERRATA TO 1978 REGULATIONS WAS UNDERSTOOD TO HAVE BEEN PUBLISHED IN FED REG ON 19 JAN 78 AND INDICATED THAT THERE MAY BE ADDITIONAL CHANGES FORTHCOMING. FURTHER, U.S. UNCLASSIFIED

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SIDE ADVISED THAT SOME PRELIMINARY MANAGEMENT PLANS ARE EXPECTED TO BE REPLACED BY REGIONAL COUNCIL-PREPARED FISHERY MANAGEMENT PLANS WITHIN NEXT SEVERAL MONTHS. THESE NEW PLANS MAY GENERATE EXTENSIVE CHANGES TO PRESENT REGULATIONS; THUS, ADDITIONAL IN-FORMAL DISCUSSIONS MAY BE APPROPRIATE FOR PURPOSE OF REVIEWING/CLARIFYING NEW MANAGEMENT PLANS AND THEIR IMPLEMENTING REGULATIONS.

F. IN RESPONSE TO JAPAN REPS QUESTIONS, U.S. STATED THAT VESSELS LEAVING FISHING AREA FOR PURPOSE OF ENTERING INTERNAL WATERS TO PICK UP OBSERVERS OR TO ENTER PORT WOULD NOT BE REQUIRED TO SEND CHECK-OUT MESSAGE SINCE SUCH VESSELS WOULD BE SENDING ADVANCE NOTICE OF ARRIVAL MESSAGES. IF HOWEVER THE VESSEL INTENDS TO OPERATE IN ANOTHER AREA RATHER THAN TO RETURN TO ITS ORIGINAL FISHING AREA, MESSAGES OF SHIFT IN FISHING AREAS WOULD BE REQUIRED.

G. JAPAN REPS RAISED SEVERAL ISSUES WITH RESPECT TO VESSEL REPORTING REQUIRED BY 611.4.

1. JAPAN REPS WERE TOLD THAT JAPAN COULD COMBINE, INTO SINGLE MESSAGE, CHANGES IN DIRECTED FISHERY AND CHANGES IN FISHING AREA.

2. JAPAN REPS SAID FISHING VESSELS OFTEN FISH IN BOUNDARY AREA BETWEEN TWO FISHING AREAS AND CROSS BOUNDARY SEVERAL TIMES IN SINGLE DAY. JAPAN REPS ASKED THAT VESSELS NOT BE REQUIRED TO REPORT CHANGES IN FISHING AREAS UNDER THOSE CIRCUMSTANCES. U.S. SIDE SAID IT APPRECIATED THE HARDSHIP BUT REQUIREMENT FOR REPORTING CHANGES IN FISHING AREA WAS FIRM.

E. THERE WAS SOME CONFUSION ON MEANING OF QUOTE CHANGE IN UNCLASSIFIED

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DIRECTED FISHERY UNQUOTE. JAPAN REPS WERE UNDER IMPRESSION THAT QUOTE DIRECTED FISHERIES UNQUOTE REFERRED TO MAJOR SUBSECTIONS OF REGULATIONS, E.G. TRAWL FISHERY (611.92). U.S. SIDE EXPLAINED THAT DIRECTED FISHERY WAS PRINCIPAL TARGET SPECIES OF FISHING VESSEL.

4. JAPAN REPS WERE TOLD THAT SINCE SUPPORT VESSELS DO NOT HAVE DIRECTED FISHERIES, PROVISION OF 611.4A2 WHICH REQUIRES FOREIGN FISHING VESSEL TO REPORT ANY CHANGE IN ITS DIRECTED FISHERY, DO NOT APPLY TO SUPPORT VESSELS.

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H. RE. 611.5(A)(1), JAPAN REPS REQUESTED FLEXIBILITY OF INTERPRETATION SINCE IT IS NOT PRACTICAL TO PAINT CALL SIGNS

EXACTLY AMIDSHIP ON SOME VESSELS. U.S AGREED SAYING THAT LOCATION WAS NOT CRITICAL AS LONG AS CALL SIGNS WERE CLEARLY VISIBLE FROM PATROL UNITS.

I. RE 611.5(E), JAPAN REPS DESCRIBED LOONLINE MARKING SYSTEM WHICH INCLUDES IDENTIFICATION MARKING ON ONE OF EACH THREE BUOY SETS. U.S. VIEWS SUCH MARKING TO BE QUITE ADEQUATE.

J. INSTRUCTIONS FOR DAILY CUMULATIVE CATCH LOG (APPENDIX III) STIPULATES INCLUSION OF "THE COMMON NAME AND SPECIES CODE FO WHICH AN ALLOCATION HAS BEEN GIVEN ...". TEREFORE, JAPAN UNCLASSIFIED

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INTERPRETATION IS THAT, AS AN EXAMPLE, "OTHER ROCKFISHERS" WOULD BE INCLUDED AS SUCH IN GULF OF ALASKA BUT AS "OTHER SPECIES" IN BERING SEA AND ALEUTICAL FISHERIES. U.S. SIDE RESPONDED THAT, AS PRESENTLY WRITTEN, JAPAN'S INTRERPRETATION APPEARED CORRECT.

K. RE 611.9(D), JAPAN REPS POINTED OUT THAT IN THEIR MOTHERSHIP OPERATIONS, INDIVIDUAL VESSELS DO NOT TAKE THEIR CATCH ON BOARD, BUT TRANSFERRED IT TO MOTHERSHIPS WHERE SPECIES IDENTIFICA- TIONS AND WEIGHTS ARE RECORDED. IT IS THEREFORE NOT ALWAYS POSSIBLE FOR EACH CATCHERBOAT TO UPDATE ITS LOGS WITHIN 24 HOUR SCHEDULE STATED IN APPENDIX III. U.S. SIDE RECOGNIZED PROBLEM AND STIPULATED THAT CATCH LOGS MAY BE MAINTAINEDON MOTHERSHIP RATHER THAN ON EACH OF ITS CATCHER BOATS. ENFORCEMENT AGENTS WILL BE NOTIFIED OF THIS ARRANGEMENT.

L. JAPAN REPS POINTED OUT THAT USE OF GREENWICH MEAN TIME FOR KEEPING DAILY CUMULATIVE CATCH LOG AND THUS FOR WEEKLY REPORTING LEADS TO SERIOUS COMPLICATIONS. THE DAY BASED ON GMT IS MID-DAY IN THE NORTH PACIFIC AND BERING SEA AREAS. ASSESSMENT OF CATCH, SPECIEIS DISTRIBUTION, AND DISPOSITION IS PRACTICALLY IMPOSSIBLE IN MID OPERATIIN. JAPAN REPS REQUESTED THAT DAY BE BASED ON LOCAL TIME. U.S. SIDE RECOGNIZED AND IS SYMPATHETIC TO JAPAN'S PROBLEM AND WILL COMMUNICATE JAPAN'S CONCERNS TO APPROPRIATE AGENCIES IN USG. SUGGEST U.S. PERMIT SUCH REPORTS BE KEPT ON LOCAL TIME BASIS AND THAT ALL REPORTS INDICATE TIME ZONE USED BY REPORTING VESSEL. CONVERSION TO GMT STANDARD, IF DESIRED, COULD EASILY BE MADE BY U.S. FISHERIES MANAGEMENT PERSONNEL RECEIVING REPORTS.

M. U.S. SIDE INFORMED JAPAN REPS THAT WITH RESPECT TO DAILY CUMULATIVE CATCH LOG AND WEEKLY CATCH REPORTS, CATCH DATA SHOULD BE RECORDED TO NEAREST 0.1 METRIC TON RATHER THAN TO NEAREST UNCLASSIFIED

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METRIC TON SINCE WE UNDERSTOOD THAT REGULATIONS (611.9) HAD BEEN AMENDED.

N. RE 611.13, U.S. SIDE EMPHASIZED NEED FOR JAPANESE FISHERMEN TO MINIMIZE THEIR CATCH OF PROHIBITED SPECIES AND IF CAUGHT SHOULD MAKE EVERY EFFORT TO RETURN SUCH SPECIES TO SEA AS SOON AS POSSIBLE WITH MINIMUM OF INJURY.

O. RE 611.16, U.S. SIDE EMPHASIZED IMPORTANCE OF MINIMIZING OCCURRENCES OF ABANDONED FISHING GEAR. JAPAN WAS FURTHER ENCOURAGED TO NOTIFY U.S. COAST GUARD OF ANY ACCIDENTAL LOSS OF SUCH ARTICLES INTO FCZ AND TO REPORT AS SPECIFIED IN 611.16(G).

3. FOLLOWING ITEMS REQUIRE TIMELY RESPONSE:

A. A. U.S. RATIONALE FOR RETAINING VESSEL DAY EFFORT RESTRICTION, SEAMOUNT FISHERY 611.80 (B)(2).

B. INDEX PART 611, PAGE 60683, LISTS SUBPART E AS NORTH-EAST PACIFIC OCEAN WA - OR -CA TRAWL FISHERY. FIGURES 3 IS TITLED FISHING AREAS NORTHEAST PACIFIC REGION BUT DEPICTS INPFC STATISTICAL AREAS FROM CALIFORNIA THROUGHOUT GULF OF ALASKA. JAPAN INTERPRETS 611.9 (D)(4) AND ARA E APPENDIX IV AS IN-APPLICABLE SINCE THEY HAVE NO ALLOCATION WA-OR-CA TRAWL FISHERY. BELIEVE INCLUSION OF PROHIBITED SPECIES IN SUCH REPORTS DESIRED FOR GULF OF ALASKA AND BERING SEA-ALEUTIANS. JAPAN DESIRES CLARIFICATION AREAS RQUIRING SUCH REPORTING. FIGURE 3 TITLE SHOULD BE CORRECTED.

C. JAPAN INTERPRETS APPENDIX III INSTRUCTIONS RE SPECIES AND 611.9(D)(3) TO REQUIE DAILY CATCH LOG AND WEEKLY REPORTS ONLY ON SPECIES FOR WHICH JAPAN HAS ALLOCATION. JAPAN REQUESTS CONFIRMATION THAT SUCH REPORTS NOT REQUIRED FOR NON-ALLOCATED AND PROHIBITED SPECIES.

D. JAPAN PROPOSED 611.3(I)(3) COULD ALLOW DIR. NMFS ISSUE UNCLASSIFIED

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IMMEDIATE PRMITS AND AVOID NORMAL PERMIT PROCESS FOR VESSELS TO REPLACE PREVIOUSLY PERMITTED VESSELS UNAVOIDABLY LOST FROM FISHERY. REPLACEMENT VESSELS WOULD BE SIMILAR SIZE AND CAPABILITY. VGT FRD. SIDE EXPRESSED BOUT MKSACCEPTABILITY AND SUGGESTED REPLACEMENT VESSEL PERMITS COULD BE ROUTINELY REQUESTED WELL IN ADVANCE AND LATER BE ISSUED AND FEES PAID ONLY IF NEEDED.

E. JAPAN REPS NOTED THAT FISHING VESSEL IN PACIFIC SMALLER THAN ATLANTIC AND ACCOMODATIONS NOT SUITABLE FOR FEMALE

OBSERVERS, PARTICULARLY IN FISHING VESSELS LESS THAN 500 GRT.
THEY REQUESTED JFA BE ADVISED OF U.S. OBSERVER PLACEMENT PLANS
TWO WEEKS IN ADVANCE. JFA WISHES TO SELECT VESSELS FOR
OBSERVERS.

F. APPENDIX I SPECIES CODES PACIFIC LISTS 001 SQUID LOLIGO
OPALESCENS. JAPAN REPS STATED SEVERAL SPECIES TAKEN IN PACIFIC
AND 001 NOW USDD FOR ALL SQUIDS. SUGGEST CODING BE MODIFIED.

G. JAPAN REPS QUESTIONED PRECISE TIMES OF CLOSURES DESIGNATED
IN 611.92(B)(3) AND 611.93(B)(2) AND (B0)(3) SINCE 611.90(B)
INDICATES USE OF 0800 GMT. U.S. DIE ADVISED TIMES SHOULD BE
0800 GMT. SUGGEST REGULATIONS BE AMENDED TO SPECIFY TIMES AND
DATES IN APPROPRIATE GMT - 0800 GMT IN SUBPART G.

H. 611.94(B), DESIGNATES SABLEFISH TALFF GULF OF ALASKA 3,200 MT
INCIDENTAL TRawl AND 4,800 MT DIRECTED FISHERY (LONGLINERS.
JAPAN REPS UNCERTAIN THEIR 1978 SABLEFISH ALLOCATION GULF OF
ALASKA AND BREAKDOWN OF ALLOCATION BETWEEN LONGLINE AND
INCIDENTAL TRawl AMOUNTS. JAPAN REPS REPORTED SUCH INFO REQUESTED
BY LETTER IN DEC. 1977.

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